

AMENDED IN ASSEMBLY APRIL 13, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 972

Introduced by Assembly Members Butler and Beall

February 18, 2011

An act to amend, repeal, and add Section 11834.02 of the Health and Safety Code, relating to alcoholism or drug abuse treatment.

LEGISLATIVE COUNSEL'S DIGEST

AB 972, as amended, Butler. Substance abuse: treatment facilities.

Existing law provides for the licensure, certification, and regulation of alcoholism or drug ~~use~~ *abuse* recovery or treatment facilities serving adults, administered by the State Department of Alcohol and Drug Programs. These facilities are defined to mean any premises, place, or building that provides 24-hour residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

~~This bill would, until January 1, 2014, revise this definition to also include any premises, place, or building that provides a program, accredited by a nationally recognized accrediting organization, that uses a multidisciplinary team, as specified, to provide medical services within a residential facility that does not require a health facility license, to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.~~

This bill would, until January 1, 2017, revise the definition of an alcoholism or drug abuse recovery or treatment facility to include a facility that provides a medical program exclusively to residents of the

facility, as specified, and that is accredited by a nationally recognized accrediting organization.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11834.02 of the Health and Safety Code
2 is amended to read:

3 11834.02. (a) As used in this chapter, “alcoholism or drug
4 abuse recovery or treatment facility” or “facility” means any
5 premises, place, or building that provides 24-hour residential
6 nonmedical services to adults who are recovering from problems
7 related to alcohol, drug, or alcohol and drug misuse or abuse, and
8 who need alcohol, drug, or alcohol and drug recovery treatment
9 or detoxification services. ~~As used in this chapter, “alcoholism or~~
10 ~~drug abuse recovery or treatment facility” or “facility” also means~~
11 ~~any premises, place, or building that provides a program, accredited~~
12 ~~by a nationally recognized accrediting organization, that uses a~~
13 ~~multidisciplinary team, including a physician and surgeon when~~
14 ~~available, to provide medical services within a residential facility~~
15 ~~that does not require a health facility license, to adults who are~~
16 ~~recovering from problems related to alcohol, drug, or alcohol and~~
17 ~~drug misuse or abuse and who need alcohol, drug, or alcohol and~~
18 ~~drug recovery treatment or detoxification services. or detoxification~~
19 *services, including a facility that provides a medical program*
20 *exclusively to residents of the facility pursuant to subdivision (e)*
21 *and that is accredited by a nationally recognized accrediting*
22 *organization.*

23 (b) As used in this chapter, “adults” includes, but is not limited
24 to, all of the following:

25 (1) Mothers over 18 years of age and their children.

26 (2) Emancipated minors, which may include, but are not limited
27 to, mothers under 18 years of age and their children.

28 (c) As used in this chapter, “emancipated minors” means persons
29 under 18 years of age who have acquired emancipation status
30 pursuant to Section 7002 of the Family Code.

31 (d) Notwithstanding subdivision (a), an alcoholism or drug
32 abuse recovery or treatment facility may serve adolescents upon

1 the issuance of a waiver granted by the department pursuant to
2 regulations adopted under subdivision (c) of Section 11834.50.

3 *(e) An alcoholism or drug abuse recovery or treatment facility*
4 *may provide medical services by a multidisciplinary team,*
5 *including a physician, exclusively to residents of the facility for*
6 *the purpose of assisting in detoxification and recovery. The medical*
7 *services provided under this subdivision shall be limited to the*
8 *following:*

9 *(1) Medical evaluation, psychiatric counseling, and prescription*
10 *of medications for assistance with detoxification.*

11 *(2) Additional psychiatric evaluation and counseling, if*
12 *necessary.*

13 *(3) Prescribing and monitoring of medications, including public*
14 *health inoculations.*

15 *(4) Obtaining medical histories and routine examinations for*
16 *general oversight of the medical condition of residents within the*
17 *facility.*

18 *(5) Routine, noninvasive testing, including drawing blood*
19 *samples for laboratory examination and testing offsite.*

20 ~~(e)~~

21 *(f) Nothing contained in this section shall be construed to permit*
22 *the state or a local governmental entity to require the provision of*
23 *medical services ~~onsite~~ within a facility as a condition of licensure,*
24 *funding, or other regulatory supervision.*

25 ~~(f)~~

26 *(g) This section shall remain in effect only until January 1,*
27 *2014 2017, and as of that date is repealed, unless a later enacted*
28 *statute, that is enacted before January 1, 2014 2017, deletes or*
29 *extends that date.*

30 SEC. 2. Section 11834.02 is added to the Health and Safety
31 Code, to read:

32 11834.02. (a) As used in this chapter, “alcoholism or drug
33 abuse recovery or treatment facility” or “facility” means a premises,
34 place, or building that provides 24-hour residential nonmedical
35 services to adults who are recovering from problems related to
36 alcohol, drug, or alcohol and drug misuse or abuse, and who need
37 alcohol, drug, or alcohol and drug recovery treatment or
38 detoxification services.

39 (b) As used in this chapter, “adults” includes, but is not limited
40 to, all of the following:

- 1 (1) Mothers over 18 years of age and their children.
- 2 (2) Emancipated minors, which may include, but are not limited
- 3 to, mothers under 18 years of age and their children.
- 4 (c) As used in this chapter, “emancipated minors” means persons
- 5 under 18 years of age who have acquired emancipation status
- 6 pursuant to Section 7002 of the Family Code.
- 7 (d) Notwithstanding subdivision (a), an alcoholism or drug
- 8 abuse recovery or treatment facility may serve adolescents upon
- 9 the issuance of a waiver granted by the department pursuant to
- 10 regulations adopted under subdivision (c) of Section 11834.50.
- 11 (e) This section shall become operative on January 1, ~~2014~~
- 12 ~~2017~~.